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LEE & HAYES PLLC 421 W RIVERSIDE AVENUE SUITE 500 SPOKANE, WA 99201			EXAMINER CAMPBELL, JOSHUA D	
			ART UNIT 2178	PAPER NUMBER

SHORTENED STATUTORY PERIOD OF RESPONSE	NOTIFICATION DATE	DELIVERY MODE
3 MONTHS	05/01/2007	ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

Notice of this Office communication was sent electronically on the above-indicated "Notification Date" and has a shortened statutory period for reply of 3 MONTHS from 05/01/2007.

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lhptoms@leehayes.com

Office Action Summary

Application No.

10/719,528

Applicant(s)

CELIK, TANTEK

Examiner

Joshua D. Campbell

Art Unit

2178

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 27 February 2007.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-24 and 53-63 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-24 and 53-63 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- ☒ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- ☐ Notice of Informal Patent Application (PTO-152)
- ☐ Other: _____

DETAILED ACTION

1. This action is responsive to communications: Request for Continued Examination filed on 2/27/2007.
2. Claims 1-24 and 53-63 are pending in the case. Claims 1, 24, 53, 55, and 57 are independent claims. No claim amendments were presented.

Claim Rejections - 35 USC § 112

3. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

4. Claims 1-23 and 53-63 remain rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the enablement requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to enable one skilled in the art to which it pertains, or with which it is most nearly connected, to make and/or use the invention. The term "focusable" is not clearly defined by the specification and is not a term that is well-known in the art. The examiner has attempted to ascertain a specific definition for the term but has been unsuccessful. This term does not appear in a dictionary and is never clearly defined to a specific meaning in the applicant's specification. Thus, the claims that contain limitations that require a proper definition of this term are not enabled. Proper correction is required.

For the purposes of furthering prosecution the examiner will take the meaning of the word "focusable" to be both viewable and selectable.

Claim Rejections - 35 USC § 102

5. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

6. Claims 1-15, 20, 21, 23, 24, 53-55, 57, 58, 62, and 63 remain rejected under 35 U.S.C. 102(b) as being anticipated by Dutta et al. (hereinafter Dutta, US Patent Application Publication Number 2002/0152283, published October 17, 2002).

Regarding independent claim 1 and dependent claims 20, 21, and 23, Dutta discloses receiving a document to be rendered that includes two elements which may both have alternate content in which the first element is focusable (interactive element – movie, hyperlink, etc. while the second element is not focusable (non-interactive element – image, text, etc.) (page 1, paragraphs 0005-0008, page 3, paragraphs 0038-0049, and page 4, paragraphs 0050-0053 of Dutta). The document is rendered with the standard content of both the first and second elements and only the elements which are interactive are currently focusable (page 1, paragraphs 0005-0008, page 3, paragraphs 0038-0049, and page 4, paragraphs 0050-0053 of Dutta). When an indication of the viewer's intent to activate and accessibility mode (loading the browser add-on) is received the list of focusable elements is altered to include the second element (non-

interactive element which includes alternate content) (page 1, paragraphs 0005-0008, page 3, paragraphs 0038-0049, and page 4, paragraphs 0050-0053 of Dutta).

Regarding dependent claim 2, Dutta discloses that the document is HTML (page 3, paragraph 0037 of Dutta).

Regarding dependent claims 3-6, Dutta discloses that the elements may be text, images, audio, and/or multimedia elements (Figure 8 and page 1, 0005 of Dutta).

Regarding dependent claims 7-11, Dutta discloses that the content may be text, images, audio, and/or multimedia elements (Figure 8 and page 1, 0005 of Dutta).

Regarding dependent claims 12-15, Dutta discloses that the alternate content of an element is rendered when selected, and that an indication of selection is shown (page 1, paragraph 0008, page 3, paragraphs 0038-0049, and page 4, paragraphs 0050-0053 of Dutta). This rendering can consist of replacing the element with the alternate content (page 1, paragraph 0008, page 3, paragraphs 0038-0049, and page 4, paragraphs 0050-0053 of Dutta).

Regarding independent claim 24, Dutta discloses receiving a document to be rendered that includes two elements, both elements having standard content which may be selected and both elements being able to have alternate content (page 1, paragraphs 0005-0008, page 3, paragraphs 0038-0049, and page 4, paragraphs 0050-0053 of Dutta). If no accessibility mode is set when the document is rendered to the display device the standard content of all elements is rendered (page 1, paragraphs 0005-0008, page 3, paragraphs 0038-0049, and page 4, paragraphs 0050-0053 of Dutta). If an accessibility mode is activated the alternate content of at least one element

is rendered (page 1, paragraph 0008, page 3, paragraphs 0038-0049, and page 4, paragraphs 0050-0053 of Dutta).

Regarding independent claim 53, Dutta discloses receiving a document to be rendered that includes two elements, both elements having standard content which may be selected and both elements being able to have alternate content (page 1, paragraph 0008, page 3, paragraphs 0038-0049, and page 4, paragraphs 0050-0053 of Dutta). If no accessibility mode is set when the document is rendered to the display device the standard content of all elements is rendered (page 1, paragraph 0008, page 3, paragraphs 0038-0049, and page 4, paragraphs 0050-0053 of Dutta). If an accessibility mode is activated the alternate content of at least one element can be rendered (page 1, paragraph 0008, page 3, paragraphs 0038-0049, and page 4, paragraphs 0050-0053 of Dutta).

Regarding dependent claim 54, Dutta discloses receiving a document to be rendered that includes two elements which may both have alternate content in which the first element is focusable (interactive element – movie, hyperlink, etc. while the second element is not focusable (non-interactive element – image, text, etc.) (page 1, paragraphs 0005-0008, page 3, paragraphs 0038-0049, and page 4, paragraphs 0050-0053 of Dutta). The document is rendered with the standard content of both the first and second elements and only the elements which are interactive are currently focusable (page 1, paragraphs 0005-0008, page 3, paragraphs 0038-0049, and page 4, paragraphs 0050-0053 of Dutta). When an indication of the viewer's intent to activate and accessibility mode (loading the browser add-on) is received the list of focusable

elements is altered to include the second element (non-interactive element which includes alternate content) (page 1, paragraphs 0005-0008, page 3, paragraphs 0038-0049, and page 4, paragraphs 0050-0053 of Dutta).

Regarding independent claim 55, Dutta discloses receiving a document to be rendered that includes two elements which may both have alternate content in which the first element is focusable (interactive element – movie, hyperlink, etc. while the second element is not focusable (non-interactive element – image, text, etc.) (page 1, paragraphs 0005-0008, page 3, paragraphs 0038-0049, and page 4, paragraphs 0050-0053 of Dutta). The document is rendered with the standard content of both the first and second elements and only the elements which are interactive are currently focusable (page 1, paragraphs 0005-0008, page 3, paragraphs 0038-0049, and page 4, paragraphs 0050-0053 of Dutta). When an indication of the viewer's intent to activate and accessibility mode (loading the browser add-on) is received the list of focusable elements is altered to include the second element (non-interactive element which includes alternate content) (page 1, paragraphs 0005-0008, page 3, paragraphs 0038-0049, and page 4, paragraphs 0050-0053 of Dutta).

Regarding independent claim 57, Dutta discloses receiving a document to be rendered that includes two elements which may both have alternate content in which the first element is focusable (interactive element – movie, hyperlink, etc. while the second element is not focusable (non-interactive element – image, text, etc.) (page 1, paragraphs 0005-0008, page 3, paragraphs 0038-0049, and page 4, paragraphs 0050-0053 of Dutta). The document is rendered with the standard content of both the first

and second elements and only the elements which are interactive are currently focusable (page 1, paragraphs 0005-0008, page 3, paragraphs 0038-0049, and page 4, paragraphs 0050-0053 of Dutta). When an indication of the viewer's intent to activate and accessibility mode (loading the browser add-on) is received the list of focusable elements is altered to include the second element (non-interactive element which includes alternate content) (page 1, paragraphs 0005-0008, page 3, paragraphs 0038-0049, and page 4, paragraphs 0050-0053 of Dutta).

If no accessibility mode is set when the document is rendered to the display device the standard content of all elements is rendered (page 1, paragraph 0008, page 3, paragraphs 0038-0049, and page 4, paragraphs 0050-0053 of Dutta). If an accessibility mode is activated the alternate content of at least one element is rendered (page 1, paragraph 0008, page 3, paragraphs 0038-0049, and page 4, paragraphs 0050-0053 of Dutta).

Regarding dependent claim 58, Dutta discloses that the alternate content of an element is rendered when selected, and that an indication of selection is shown (page 1, paragraph 0008, page 3, paragraphs 0038-0049, and page 4, paragraphs 0050-0053 of Dutta).

Regarding dependent claims 62 and 63, Dutta discloses that the alternate content of an element is rendered when selected and the standard content of the element may be rendered again when the alternate content is deselected, and that an indication of selection is shown (page 1, paragraph 0008, page 3, paragraphs 0038-0049, and page 4, paragraphs 0050-0053 of Dutta).

Claim Rejections - 35 USC § 103

7. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

8. Claims 16 and 59-61 remain rejected under 35 U.S.C. 103(a) as being unpatentable over Dutta et al. (hereinafter Dutta, US Patent Application Publication Number 2002/0152283, published October 17, 2002) in view of Microsoft Computer Dictionary (hereinafter MCD, Published in 2002, fifth edition).

Regarding dependent claim 16, Dutta does not disclose a method in which the alternate content is displayed in a new window. However, MCD shows that a pop-up window is a well-known way to display content in a new window (page 412, "pop-up ad" "pop-up menu" and "pop-up window"). It would have been obvious to one of ordinary skill in the art at the time the invention was made to have combined the invention of Dutta with the well-known usage of pop-up windows because it would have allowed the display of the alternate content without changing the display of the original window.

Regarding dependent claims 59-61, Dutta does not explicitly disclose encircling items currently selected and not selected in different styles and colors. However, MCD shows that highlighting items is a well-known way to provide emphasis on items as a form of indication (page 253 "highlight"). It would have been obvious to one of ordinary skill in the art at the time the invention was made to have combined the

teachings of Dutta with the well-known method of highlighting as another way to indicate selection emphasis because it would provided a visual indication of which items are selected and which are not.

9. Claims 17-19 and 56 remain rejected under 35 U.S.C. 103(a) as being unpatentable over Dutta et al. (hereinafter Dutta, US Patent Application Publication Number 2002/0152283, published October 17, 2002) in view of Jacobs et al. (hereinafter Jacobs, US Patent Number 6,819,961, filed on December 12, 2002).

Regarding dependent claims 17, 18, and 56, Dutta does not explicitly disclose indicating the current mode status using an icon. However, Jacobs discloses that an icon can be used as a way to indicate the current operating modes being used (column 7, lines 37-48 of Jacobs). It would have been obvious to one of ordinary skill in the art to have combined the methods of Dutta and Jacobs because it would have allowed the user a constant visual indication of operating mode.

Regarding dependent claim 19, Dutta discloses that the user interface may be operated using visual interaction and/or using audio interaction (page 3, paragraph 0038 of Dutta). Dutta does not explicitly disclose indicating the current mode status using the interface. However, Jacobs discloses that an indication of the current operating mode is provided to the user (column 7, lines 37-48 of Jacobs). It would have been obvious to one of ordinary skill in the art to have combined the methods of Dutta and Jacobs because it would have allowed the user a constant indication of operating mode.

10. Claim 22 remains rejected under 35 U.S.C. 103(a) as being unpatentable over Dutta et al. (hereinafter Dutta, US Patent Application Publication Number 2002/0152283, published October 17, 2002).

Regarding independent claim 22, Dutta discloses receiving a document to be rendered that includes two elements which may both have alternate content in which the first element is focusable (interactive element – movie, hyperlink, etc. while the second element is not focusable (non-interactive element – image, text, etc.) (page 1, paragraphs 0005-0008, page 3, paragraphs 0038-0049, and page 4, paragraphs 0050-0053 of Dutta). The document is rendered with the standard content of both the first and second elements and only the elements which are interactive are currently focusable (page 1, paragraphs 0005-0008, page 3, paragraphs 0038-0049, and page 4, paragraphs 0050-0053 of Dutta). When an indication of the viewer's intent to activate and accessibility mode (loading the browser add-on) is received the list of focusable elements is altered to include the second element (non-interactive element which includes alternate content) (page 1, paragraphs 0005-0008, page 3, paragraphs 0038-0049, and page 4, paragraphs 0050-0053 of Dutta).

Dutta does not explicitly disclose that an interactive television system is used to view and process the HTML documents. However, it was well-known in the art at the time the invention was made that interactive television systems were used to access and process HTML document as is clearly shown in applicant's specification (Page 1, lines 6-7).

Response to Arguments

11. Applicant's arguments filed 2/27/2007 have been fully considered but they are not persuasive.

Regarding the applicant's arguments on pages 13-16, in reference to whether or not the term focusable is well-known in the art, the examiner maintains that the term is not properly defined by the specification, and evidence of the existence of the term "focus" in a document for a single program is not enough to prove that the specification is exclusively enabled for that definition. The term "focus" is not an exclusively defined term in the art, thus the examiner's broad interpretation of the term shall remain in effect for the purposes of examination until the proper corrections are made. Furthermore, the term "focusable" is the term that is currently in question, and , contradictory to what the arguments state the term "focusable" is not found at any time in the reference presented by the applicant. In addition to this, the applicant has yet to provide any definition found in the specification to provide any limiting definition for the term "focusable". The applicant has merely pointed out the use of the term in the specification in examples, which much like the term itself are broad and non-limiting. It is due to this rather broad, non-limiting use of this term that the rejection remains proper. The basis broadest reasonable interpretation that is being used to further prosecution can be found in the definition attached as a Non-Patent Document with the Notice of References cited mailed with this Action. This definition is the only definition the examiner has been able to find using all of the searching resources available at the time of this action, thus it is

very clear that the term "focusable" is in fact not a well-known term in the art and the interpretation given by the examiner based on the sole definition available is indeed proper, thus the rejection will be maintained.

Regarding the applicant's arguments on pages 16-20, in reference to the limitations "...generating a list of focusable elements," and "...altering the list," the examiner maintains that Dutta teaches these limitations. Dutta discloses that the document is rendered with the standard content of both the first and second elements and only the elements which are interactive are currently focusable (page 1, paragraphs 0005-0008, page 3, paragraphs 0038-0049, and page 4, paragraphs 0050-0053 of Dutta). The browser properly applies interaction capability to only those items which are focusable, thus the browser in affect has created a virtual list. When an indication of the viewer's intent to activate and accessibility mode (loading the browser add-on) is received the list of focusable elements is altered to include the second element (non-interactive element which includes alternate content) (page 1, paragraphs 0005-0008, page 3, paragraphs 0038-0049, and page 4, paragraphs 0050-0053 of Dutta). At this point the formerly not focusable non-interactive element is made focusable and interactive, thus the virtual list is altered to include the second element. These rejections continue to remain proper based on the broadest, most reasonable interpretation of the claims in light of the lack of enablement presented in the current and previous actions.

Regarding the applicant's arguments on pages 20-21, in reference to whether or not an image is selectable, the examiner maintains that Dutta teaches these limitations.

The use of mouse right-click or double-click on an image, which the applicant agrees that Dutta discloses (page 21, lines 1-4 of applicant's arguments), is by definition the user selecting the image. Thus, the rejection will be maintained. These rejections continue to remain proper based on the broadest, most reasonable interpretation of the claims in light of the lack of enablement presented in the current and previous actions.

Regarding the applicant's arguments on page 22, in reference to whether or not a web page may contain content that is text, the examiner maintains that Dutta teaches these limitations. The limitation merely states that the second element is text, the second element being rendered at the time the document is rendered (see claim 1). Thus, the limitation merely requires that at least one content element rendered on the web page consist of text. Dutta clearly discloses that the elements may be text, images, audio, and/or multimedia elements (Figure 8 and page 1, 0005 of Dutta). The examiner specifically directs the applicant's attention to Figure 8, items 811 and 812, which includes "TEXT", which is very clear on the inclusion of "TEXT". The applicant appears to argue that this only shows that text is found as alternate content, never as original content in a web page. The applicant takes the stance that providing textual elements on web pages found on the Internet provides reason enough for claim 3 to be allowable. The examiner directs the applicant's attention page 1, paragraphs 0001-0007 of Dutta which describes the use of HTML documents on the Internet as web pages, which may be formatted in many different ways, which includes displaying the Text as the initial content if the settings require it. In addition to this, the examiner would like to take this opportunity to make it very clear that the well-known definition of HTML as it would be

used in the art at the time of the invention was made would include textual elements being a part of document content.

Regarding the applicant's arguments on pages 22-23, in reference to whether or not alternate content may comprise a second document, the examiner maintains that Dutta teaches these limitations. Dutta discloses that the content may be text, images, audio, and/or multimedia elements (Figure 8 and page 1, 0005 of Dutta). In addition to this, Dutta directly states on page 4, paragraph 0050, that alternate content may include audio, jpegs, and text. The notoriously well-known definition of the term document in the art at the time of the invention was a computer data file that is not an executable file and contains data for use by applications, such as audio and jpeg files. The examiner has furnished a copy of the definition of document found in the Microsoft Computer Dictionary which directly supports the examiner's position on the well-known definition of document.

Regarding the applicant's arguments on pages 23-24, in reference to whether or not an element is selectable, the examiner maintains that Dutta teaches these limitations. The use of mouse right-click or double-click on an image, which the applicant agrees that Dutta discloses (page 21, lines 1-4 of applicant's arguments), is by definition the user selecting the image. Thus, the rejection will be maintained. These rejections continue to remain proper based on the broadest, most reasonable interpretation of the claims in light of the lack of enablement presented in the current and previous actions.

Applicant has presented no new arguments for claims 24 and 53, thus the rejections of these claims has been maintained.

Regarding the applicant's arguments on pages 25-28, the remainder of the arguments corresponds to the arguments regarding the enablement rejection that have been responded to above. Thus, in order to understand the examiner's position on these arguments the applicant is directed to the response maintaining the 35 USC 112 rejection of lack of enablement found above.

Conclusion

12. All claims are drawn to the same invention claimed in the application prior to the entry of the submission under 37 CFR 1.114 and could have been finally rejected on the grounds and art of record in the next Office action if they had been entered in the application prior to entry under 37 CFR 1.114. Accordingly, **THIS ACTION IS MADE FINAL** even though it is a first action after the filing of a request for continued examination and the submission under 37 CFR 1.114. See MPEP § 706.07(b). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of

the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Joshua D. Campbell whose telephone number is (571) 272-4133. The examiner can normally be reached on M-F (7:30 AM - 4:00 PM).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Stephen Hong can be reached on (571) 272-4124. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.



JDC
April 16, 2007

STEPHEN HONG
SUPERVISORY PATENT EXAMINER